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JUL 22 2004

*Conair Corporation - Legal Dept.*

One Cummings Point Road

Stamford, Ct 06902

Tel: 203-351-9000

Fax: 203-975-4658

OFFICIAL

No of pages including cover sheet: 30To: Commissioner for PatentsCompany: USPTOFax No.: (703) 872-9306

CC: \_\_\_\_\_

From: Steven GarnerDate: 7/22/04Subject: Appl. Ser. # 09/998,015Telephone number: (203) 921-2844

Request to Withdraw Examiner's Holding  
of Abandonment

This message is intended only for the use of the addressee and may contain information that is privileged and confidential. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you. If transmission is incomplete or you have other questions, please call 203-351-9120.

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JUL 22 2004

Application Number: 09/998,015  
Filing Date: November 30, 2001  
First Named Inventor: Peter J. Hill  
Art Unit: 3742  
Examiner: Campbell, Thor S.  
Attorney Docket No.: 884.0002USU  
Title: Fluid Delivery Device

**OFFICIAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW EXAMINER'S HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)**

Dear Commissioner:

Applicant requests a withdrawal of the Examiner's holding of abandonment for the above-referenced case. A submission was required in response to an Office Action mailed December 23, 2003. The required response was submitted to the USPTO on June 23, 2004 via U.S. Express Mail.

Please find attached the following items showing that the response to the Office Action was timely submitted:

1. Copy of response submitted
2. Copy of postcard stamped June 23, 2004 by the USPTO
3. Copy of Express Mail mailing label dated June 23

No fee is due with this request. (MPEP 711.03(c)).

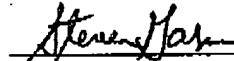
In addition, a copy of the Petition for Extension of Time submitted with the response is included. The petition requests an extension for five months. However, an extension of only three months was required. As such, please credit our account the

difference of \$1060 (\$2010 – \$950). In the original petition, we had authorized the Director to credit any overpayment to Deposit Account Number 501239.

Applicant would like to extend appreciation to Supervisory Patent Examiner Ed Look for assistance with this matter.

Should you have any questions, please do not hesitate to contact us.

July 21, 2004



Steven A. Garner  
Reg. No. 52,475  
Conair Corporation  
One Cummings Point Road  
Stamford, CT 06902  
Tel. (203) 921-2844  
Fax. (203) 975-4658

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Application S.N./Registration No.: 09/998015  
Filing Date: Nov 30, 2004 File/Docket No.: 884.0002454  
Case# 10804

**Receipt of Transmitted Documents**

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**Type of Paper:**

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| <input checked="" type="checkbox"/> Amendment    | <input type="checkbox"/> Declaration                         |
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| <input type="checkbox"/> Maintenance Fee         | <input checked="" type="checkbox"/> Request for Ext. of Time |
| <input type="checkbox"/> Appeal Board's Decision | <input type="checkbox"/> Petition                            |
| <input type="checkbox"/> Issue Fee               | <input type="checkbox"/> Missing Parts                       |
| <input type="checkbox"/> Priority Document       | <input type="checkbox"/> 132 Declaration                     |

Application S.N./Registration No.: 09/998015  
Filing Date: Nov 30, 2004 File/Docket No.: 884.0002454  
Case# 10804

**Receipt of Transmitted Documents**

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| <input type="checkbox"/> Maintenance Fee          | <input checked="" type="checkbox"/> Request for Ext. of Time                      |
| <input type="checkbox"/> Appeal Board's Decision  | <input type="checkbox"/> Petition   |
| <input type="checkbox"/> Issue Fee                | <input type="checkbox"/> Missing Parts  |
| <input type="checkbox"/> Priority Document        | <input type="checkbox"/> 132 Declaration  |
| <input type="checkbox"/> Formal Drawings          | <input checked="" type="checkbox"/> Transmittal Letter (in duplicate)             |
| <input type="checkbox"/> Notice of Appeal         | <input type="checkbox"/> Rule 53(d) Continuation (CPA)                            |
| <input type="checkbox"/> Certified Copy           | <input type="checkbox"/> Assignment w/rec. Cover Sheet                            |
| <input type="checkbox"/> Terminal Disclaimer      | <input type="checkbox"/> Other: .....   |
| <input type="checkbox"/> Request for Recon.       | <input checked="" type="checkbox"/> Deposit Acct Authorization and Info. Provided |
| <input type="checkbox"/> References (IDS)/PTO1449 |   |
| <input type="checkbox"/> Preliminary Amend.       |   |

A Check drawn in the amount of \$..... (#.....)

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METHOD OF PAYMENT Express Mail Corporate Acct. No.			Fiduciary Acct. No. or Postal Service Acct. No.		
FROM: (PLEASE PRINT) Steven Garner CONAIR CORP. STATION 1 CUMMINGS POINT RD. STE 1 STAMFORD CT 06906-7901 Case# 108014			TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450		

**FILE COPY**

PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/898,015
	Filing Date	November 30, 2001
	First Named Inventor	Peter J. Hill
	Art Unit	3742
	Examiner Name	Campbell, Thor S.
	Attorney Docket Number	884.0002USU
Total Number of Pages in This Submission		19

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Steven A. Garner
Signature	<i>SA Garner</i>
Date	6/23/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jennifer Frenness		
Signature	<i>Jennifer Frenness</i>	Date	6/23/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV327561634US

PTO/SB/17 (10-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**2010****Complete if Known**

Application Number	09/998,015
Filing Date	November 30, 2001
First Named Inventor	Peter J. Hill
Examiner Name	Campbell, Thor S.
Art Unit	3742
Attorney Docket No.	884.0002USU

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

501239

Conair Corporation

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**2010****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** (\$)**2010**

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	2010
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)**2010****SUBMITTED BY**

Name (Print/Type)	Steven A. Garner	Registration No. (Attorney/Agent)	52,475	Telephone	(203) 921-2844
Signature	[Signature]	Date	6/23/04		

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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PTO/SB/22 (08-03)

Approved for use through 7/31/2005. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) Docket Number (Optional) 884.0002USU

In re Application of Hill et al.  
Application Number 09/998,015 Filed 11/30/01  
For FLUID DELIVERY DEVICE  
Art Unit 3742 Examiner Campbell Thor J.

This is a request under the provisions of 37 CFR 1.138(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ \_\_\_\_\_
- ☐ Two months (37 CFR 1.17(a)(2)) \$ \_\_\_\_\_
- ☐ Three months (37 CFR 1.17(a)(3)) \$ \_\_\_\_\_
- ☐ Four months (37 CFR 1.17(a)(4)) \$ \_\_\_\_\_
- ☒ Five months (37 CFR 1.17(a)(5)) \$ 2010

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501239.


I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

- ☐ assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).
- ☒ attorney or agent of record. Registration Number 52,475
- ☐ attorney or agent under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a) \_\_\_\_\_

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

6/23/04  
Date  
(203) 921-2844  
Telephone Number

  
Signature  
Steven A. Garner  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hill et al.  
Serial No.: 09/998,015  
For: FLUID DELIVERY DEVICE  
Filed: November 30, 2001  
Confirmation No.: 3883  
Art Unit: 3742  
Examiner: Campbell, Thor S.  
Customer No.: 27,623

Docket No.: 884.0002USU

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ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please recognize Lawrence Cruz, Reg. No. 36,385 and Steven A. Garner, Reg. No. 52,475 of Conair Corporation, One Cummings Point Road, Stamford, CT 06902, US, as attorneys, with full and complete powers to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith.

Please continue to address all correspondence to:

Charles N.J. Ruggiero, Esq.  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, Connecticut 06901-2682  
Telephone: (203) 327 4500  
Telefax: (203) 327 6401

Respectfully submitted,

Date: 6/23, 2004

Paul D. Greeley  
Name: Paul D. Greeley  
Reg. No.: 31,019

Serial No.: 09/998,015

Art Unit: 3742

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****RECEIVED  
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JUL 22 2004

Applicants: Hill et al.  
Serial No.: 09/998,015  
Filed: November 30, 2001  
For: FLUID DELIVERY DEVICE  
Examiner: Campbell, Thor S.  
Art Unit: 3742

**OFFICIAL**

Attorney Docket No.: 884.0002USU

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO OFFICE ACTION MAILED DECEMBER 23, 2003**

Dear Sir:

This communication is in response to the Office Action mailed December 23, 2003. A Petition and appropriate fee are enclosed herewith to extend the period for response until June 23, 2004.

**AMENDMENT**

Amendments to the Claims are shown in the appendix of claims, which begins on a separate sheet attached herewith. A copy showing changes in marked-up form is provided in addition to a clean set.

Serial No.: 09/998,015

Art Unit: 3742

**REMARKS / ARGUMENTS**

Applicants submit this response to the Official Action mailed December 23, 2003.

Applicants respectfully request reconsideration and allowance of claims 5, 10-11, 13, 20-24, 36, 37, 54 and 55. No new matter has been added by these claim amendments. Applicants have cancelled claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65. A petition for a three-month extension of the term for response to said Official Action, to and including June 23, 2004, is transmitted herewith.

Claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kreitemier et al. (U.S. Pat. 6,216,911). By the present amendment, applicants have cancelled without prejudice claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65, in order to advance the prosecution, but reserve the right to prosecute these claims in a subsequent application, as applicants do not agree with this rejection.

Claims 5, 10-11, 13, 20-24, 36, 37, 54 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitemier in view of Meeks (U.S. Pat. 3,749,880). Applicants have amended claims 5, 20, 36 and 54 to respond to this rejection.

Specifically, claim 5 has been amended to describe the heating device as transferring heat to said first reservoir through a flat, single plane that is shared by the heating device and the first reservoir. An example of this is shown in Fig. 2 of the present drawings. The bottom of heater 54 is flat

Serial No.: 09/998,015

Art Unit: 3742

and is in contact with the top of the first reservoir 52, which is in the form of a flat, coiled tube that wraps about itself. The heater 54 and the first reservoir 52 share a flat, common plane through which heat can be transferred efficiently.

Meeks, however, does not teach or suggest such a feature. Meeks describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) The force of the shave cream being ejected from the pressurized container causes the shave cream to be forced spirally around the heat exchanger within the channel 78 between the inner shell 72 and the outer shell 70. As the shave cream is traveling in this manner from the inlet to the outlet the heated heat exchanger transfers heat to the shave cream. (Col 6, lns. 9-15). The shave cream in Meeks must be heated throughout the entire spiral or groove around the height of the inner shell 72, whereby the entire inner shell must be heated. In contrast, amended claim 5 discloses the transfer of heat through a single flat plane in the form of a coil that need only be the diameter of the flow of lotion. This requires much less heat and is much more efficient. Therefore, applicant contends that the rejection should be withdrawn as to claim 5.

The rejection should also be withdrawn as to claims 10-11 and 13, inasmuch as each of these claims depends, directly or indirectly, from claim 5.

Claim 20 has been amended to describe the heating device as

Serial No.: 09/998,015

Art Unit: 3742

transferring heat to said first reservoir through a flat, single plane that is shared by the heating device and the first reservoir. As previously noted, the bottom of heater 54 is flat and is in contact with the top of the first reservoir 52, which is in the form of a flat, coiled tube that wraps about itself. The heater 54 and the first reservoir 52 share a flat, common plane through which heat can be transferred efficiently. Meeks, however, describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) The force of the shave cream being ejected from the pressurized container causes the shave cream to be forced spirally around the heat exchanger within the channel 78 between the inner shell 72 and the outer shell 70. As the shave cream is traveling in this manner from the inlet to the outlet the heated heat exchanger transfers heat to the shave cream. (Col 6, lns. 9-15). The shave cream in Meeks must be heated throughout the entire spiral or groove around the height of the inner shell 72, whereby the entire inner shell must be heated. As such, applicant contends that the rejection should be withdrawn as to claim 20.

The rejection should also be withdrawn as to claims 21-24, inasmuch as each of these claims depends, directly or indirectly, from claim 20.

Claims 36 and 54 have been amended to describe a first reservoir in the form of a heat sink having an axial channel. Meeks does not teach or suggest such a feature. As previously

Serial No.: 09/998,015


Art Unit: 3742

noted, Meeks describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) As described in claims 36 and 54 of the present application, the fluid flows through the first reservoir along a single axis, rather than along a spiral path around a heating element. As such, applicants contend that the rejection should be withdrawn as to claims 36 and 54.

The rejection should also be withdrawn as to claim 37, inasmuch as this claim directly depends from claim 36, as well as claim 55, inasmuch as this claim directly depends from claim 54.

In view of the foregoing, applicants respectfully submit that all claims present in this application are patentable over the cited combination of prior art. Accordingly, applicants respectfully request favorable reconsideration and withdrawal of the rejections of the claims. Also, applicants respectfully request that this application be passed to allowance.

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Serial No.: 09/998,015

Art Unit: 3742

**Amendment to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-4 (cancelled)

Claim 5 (once amended) A fluid delivery system comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other.

Claims 6-9 (cancelled)

Serial No.: 09/998,015

Art Unit: 3742

Claim 10 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is flat.

Claim 11 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is made of aluminum.

Claim 12 (cancelled)

Claim 13 (as originally filed): The fluid delivery system of claim 10, wherein said coiled tube is wound about five times.

Claim 14-19 (cancelled)

Claim 20 (once amended): A fluid delivery system comprising:

- a first reservoir in the form of a flat, coiled tube having a first volume;

- a second reservoir having a second volume and connected to said first reservoir;

- a pump device operatively connected to said first reservoir and said second reservoir;

- a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

- a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, from said first



Serial No.: 09/998,015

Art Unit: 3742

reservoir to said delivery device and from said delivery device to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said second reservoir is removable from said fluid delivery system.

Claim 21 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is flat.

Claim 22 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is wound about five times.

Claim 23 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is made of aluminum.

Claim 24 (as originally filed): The fluid delivery system of claim 23, wherein said delivery device comprises a downwardly directed spout.

Claims 25-35 (cancelled)

Claim 36 (once amended): A fluid delivery system comprising:

- a first reservoir having a first volume;
- a second reservoir having a second volume and connected to said first reservoir;
- a pump device operatively connected to said first reservoir and said second reservoir;
- a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

Serial No.: 09/998,015

Art Unit: 3742

wherein said heating device heats a fluid in said first reservoir and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 37 (as originally filed): The fluid delivery system of claim 36, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 38-53 (cancelled)

Claim 54 (once amended): A fluid delivery system comprising:

- a first reservoir having a first volume;
- a second reservoir having a second volume and connected to said first reservoir;
- a pump operatively connected to said first reservoir and said second reservoir;
- a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a housing surrounding said first reservoir and said heating device, and forming a substantially water tight seal around said first reservoir and said heating device,

wherein said heating device heats a fluid in said first reservoir and said pump selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir, and wherein said heating device and said

Serial No.: 09/998,015

Art Unit: 3742

pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 55 (as originally filed): The fluid delivery system of claim 54, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 56-65 (cancelled)

Claim 66 (withdrawn): A method of heating fluid in a fluid delivery system having a first reservoir, a second reservoir, and a heating device, said first reservoir being in thermal communication with said heating device and said second reservoir being in substantial thermal isolation from said heating device, comprising the steps of:

commencing a heat up cycle by:

- providing full power to the heating device;
- determining the fluid temperature in the first reservoir; and
- determining if said fluid temperature is at or above a first temperature;

commencing an overshoot protection cycle when said fluid temperature is at or above said first temperature by:

- providing reduced power to said heating device;
- determining said fluid temperature in said first reservoir; and
- determining if said fluid temperature is at or above a second temperature; and

commencing a maintenance cycle when said fluid temperature

Serial No.: 09/998,015

Art Unit: 3742

is at or above said second temperature by:

- shutting off power to said heating device;
- determining said fluid temperature in said first reservoir;
- determining if said fluid temperature is at or below a third temperature;
- providing reduced power to said heating device when said fluid temperature is at or below said third temperature;
- determining said fluid temperature in said first reservoir;
- determining if said fluid temperature is at or above said second temperature; and
- repeating said maintenance cycle steps when said fluid temperature is at or above said second temperature.

Claim 67 (withdrawn): The method of claim 66, further comprising the steps of:

- measuring the time said heating device has been activated after said maintenance cycle has commenced;
- determining if said time is at or above a time limit; and
- automatically shutting off said power when said time is at or above said time limit.

Claim 68 (withdrawn): The method of claim 66, wherein said first temperature is pre-determined.

Claim 69 (withdrawn): The method of claim 66, wherein said first temperature is about 5° C to about 15° C less than said second temperature.

Serial No.: 09/998,015

Art Unit: 3742

Claim 70 (withdrawn): The method of claim 66, wherein said third temperature is pre-determined.

Claim 71 (withdrawn): The method of claim 66, wherein said third temperature is about 0.5° C to about 10.0° C less than said second temperature.

Claim 72 (withdrawn): The method of claim 66, wherein said reduced power is about half of said full power.

Claim 73 (withdrawn): The method of claim 67, wherein said time limit is pre-determined.

Claim 74 (withdrawn): The method of claim 67, wherein said time limit is about one hour.

Serial No.: 09/998.015

Art Unit: 3742

**Marked-up Version of Claims:**

Claims 1-4 (cancelled)

Claim 5 (once amended): [The] A fluid delivery system [of claim 2, wherein said first reservoir is a coiled tube] comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other.

Claims 6-9 (cancelled)

Claim 10 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is flat.

Serial No.: 09/998,015

Art Unit: 3742

Claim 11 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is made of aluminum.

Claim 12 (cancelled)

Claim 13 (as originally filed): The fluid delivery system of claim 10, wherein said coiled tube is wound about five times.

Claim 14-19 (cancelled)

Claim 20 (once amended): [The] A fluid delivery system [of claim 18, wherein said first reservoir is a coiled tube] comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat through a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, from said first reservoir to said delivery device and from said delivery device to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said

Serial No.: 09/998,015

Art Unit: 3742

second reservoir is removable from said fluid delivery system.

Claim 21 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is flat.

Claim 22 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is wound about five times.

Claim 23 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is made of aluminum.

Claim 24 (as originally filed): The fluid delivery system of claim 23, wherein said delivery device comprises a downwardly directed spout.

Claims 25-35 (cancelled)

Claim 36 (once amended): [The] A fluid delivery system [of claim 33, wherein] comprising:

a first reservoir having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

wherein said heating device heats a fluid in said first reservoir and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir to the atmosphere, wherein said heating



Serial No.: 09/998,015

Art Unit: 3742

device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 37 (as originally filed): The fluid delivery system of claim 36, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 38-53 (cancelled)

Claim 54 (once amended): [The] A fluid delivery system [of claim 52, wherein] comprising:

a first reservoir having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a housing surrounding said first reservoir and said heating device, and forming a substantially water tight seal around said first reservoir and said heating device,

wherein said heating device heats a fluid in said first reservoir and said pump selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir, and wherein said heating device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in

Serial No.: 09/998,015

Art Unit: 3742

contact with said heat sink.

Claim 55 (as originally filed): The fluid delivery system of claim 54, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 56-65 (cancelled)

Claim 66 (withdrawn): A method of heating fluid in a fluid delivery system having a first reservoir, a second reservoir, and a heating device, said first reservoir being in thermal communication with said heating device and said second reservoir being in substantial thermal isolation from said heating device, comprising the steps of:

commencing a heat up cycle by:

- providing full power to the heating device;
- determining the fluid temperature in the first reservoir; and
- determining if said fluid temperature is at or above a first temperature;

commencing an overshoot protection cycle when said fluid temperature is at or above said first temperature by:

- providing reduced power to said heating device;
- determining said fluid temperature in said first reservoir; and
- determining if said fluid temperature is at or above a second temperature; and

commencing a maintenance cycle when said fluid temperature is at or above said second temperature by:

- shutting off power to said heating device;
- determining said fluid temperature in said first

Serial No.: 09/998,015

Art Unit: 3742

reservoir;  
determining if said fluid temperature is at or below a third temperature;  
providing reduced power to said heating device when said fluid temperature is at or below said third temperature;  
determining said fluid temperature in said first reservoir;  
determining if said fluid temperature is at or above said second temperature; and  
repeating said maintenance cycle steps when said fluid temperature is at or above said second temperature.

Claim 67 (withdrawn): The method of claim 66, further comprising the steps of:

measuring the time said heating device has been activated after said maintenance cycle has commenced;  
determining if said time is at or above a time limit; and  
automatically shutting off said power when said time is at or above said time limit.

Claim 68 (withdrawn): The method of claim 66, wherein said first temperature is pre-determined.

Claim 69 (withdrawn): The method of claim 66, wherein said first temperature is about 5° C to about 15° C less than said second temperature.

Claim 70 (withdrawn): The method of claim 66, wherein said third temperature is pre-determined.

Serial No.: 09/998,015

Art Unit: 3742

Claim 71 (withdrawn): The method of claim 66, wherein said third temperature is about 0.5° C to about 10.0° C less than said second temperature.

Claim 72 (withdrawn): The method of claim 66, wherein said reduced power is about half of said full power.

Claim 73 (withdrawn): The method of claim 67, wherein said time limit is pre-determined.

Claim 74 (withdrawn): The method of claim 67, wherein said time limit is about one hour.